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Part two: biennial programme plan

Programme 6
Legal affairs

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Overall orientation

6.1 The overall purpose of the programme is to promote a better understanding by Member States of and respect for the principles and norms of international law in order to support the accomplishment of the objectives of the United Nations.

6.2 The mandate for the programme derives from the principal decision-making organs of the United Nations in accordance with the Charter of the United Nations and the Statute of the International Court of Justice.

6.3 Within the Secretariat, substantive responsibility for the programme is vested in the Office of Legal Affairs. It provides a unified central legal service for the Secretariat and the principal and other organs of the United Nations, contributes to the progressive development and codification of international public and trade law, promotes the strengthening and development, as well as the effective implementation, of the international legal order for the seas and oceans, registers and publishes treaties and performs the depositary functions of the Secretary-General.

6.4 The Office will provide legal advice and services to the decision-making organs of the United Nations and its Member States. It will aim to strengthen respect within the United Nations for the rule of law in international relations, in particular, observance of the Charter and the resolutions, decisions, regulations, rules and treaties emanating from the Organization. Achievement of gender equality will also be addressed in the advice provided by the Office and in its activities, as appropriate.

Subprogramme 1
Overall direction, management and coordination of legal advice and services to the United Nations as a whole

Objective of the Organization: To enhance respect for the rule of law.

Expected accomplishments of the Secretariat	Indicators of achievement
Increased understanding by principal and subsidiary organs of international law, including the United Nations legal regime	(a) The absence of challenges to clarity or accuracy of advice (b) At least 95 per cent of the interventions by the Office to avert the violation of international legal instruments are effective in eliciting compliance (c) Legal instruments are finalized in respect of the activities of the United Nations

Strategy

6.5 The subprogramme is implemented by the Office of the Legal Counsel. The Office will assist the principal and subsidiary organs of the United Nations through the provision of legal advice, the preparation of reports and analyses and its participation in meetings. This covers questions relating to international peace and

security and includes advice on the interpretation of the Charter, resolutions and regulations of the United Nations, treaties and questions of public international law and questions involving the use of force, sanctions, investigations, commissions of inquiry, expert groups, privileges and immunities and third-party liability.

6.6 In order to assist the Secretary-General in carrying out his statutory responsibilities on constitutional and procedural questions, the Office will provide legal advice in the form of opinions, memorandums or oral statements. This will cover all aspects of international law and the principles and norms contained in the Charter, including privileges and immunities and the status of the Organization in Member States, as well as pertinent decisions of relevant intergovernmental organs of the Organization. The Office will prepare and interpret draft rules of procedure, host country conference agreements and other agreements. Questions relating to representation of States at the United Nations and their credentials will be assessed as required.

6.7 Legal advice will be provided on specific questions related to public international law, such as the succession of States, legal disputes, human rights, humanitarian law, war crimes and crimes against humanity, including formulation of statements of a legal nature for the Secretary-General.

6.8 The Office will also carry out secretariat and representational functions for organs and bodies falling within its competence, including the Credentials Committee of the General Assembly, the Committee on Relations with the Host Country and, as appropriate, ad hoc working groups of the Security Council and the Sixth Committee. The Office will also represent the Secretary-General at meetings and conferences sponsored by the United Nations, as required.

6.9 A further objective of the subprogramme is to ensure that, as subsidiary organs of the United Nations, the ad hoc international tribunals for the former Yugoslavia and for Rwanda operate in accordance with the Charter, regulations, rules and policies of the United Nations, and that, as judicial organs, they act independently of States and the Security Council. Within the framework of the subprogramme, the Office of Legal Affairs will advise the Security Council on legal aspects of the activities of the tribunals and will advise them with regard to their relationship with States (e.g. enforcement of sentences agreements), relevant peacekeeping operations and host countries.

Subprogramme 2
General legal services provided to United Nations organs and programmes

Objective of the Organization: To protect the legal interests of the Organization.

Expected accomplishments of the Secretariat	Indicators of achievement
(a) Maximization of the protection of the legal interests of the Organization	(a) (i) The absence of instances in which, unless waived, the status and privileges and immunities of the Organization are not maintained (ii) A reduction in instances in which the legal rights of the Organization are not protected
(b) Minimization of the legal liabilities of the Organization	(b) Total liabilities are minimized compared with total claims made against the Organization

Strategy

6.10 The subprogramme is implemented by the General Legal Division. Legal services and support will be provided to assist all parts of the Organization, including offices located away from Headquarters, in the day-to-day administration of their mandates and programmes. These involve: (a) participation in meetings of Secretariat bodies, such as the Committee on Contracts, the Staff Management Coordination Committee, the Property Survey Board and the Claims Board; and (b) interpretation of certain Articles of the Charter, General Assembly resolutions and decisions, the regulations, rules and other administrative issuances of the Organization and the mandates of programmes and activities in which United Nations organs and bodies are engaged.

6.11 Legal services and support will also be provided: (a) for the peacekeeping operations of the Organization in contracting for air, land and sea transportation, rations, logistical support, personnel and equipment; the resolution of related disputes; and claims against the Organization resulting from such operations; (b) for the Organization's expanded contracting requirements and the reform of procurement; (c) to funds and programmes for the establishment of programmes of cooperation for development, as well as for the development of new institutional modalities for operational activities and initiatives to counter epidemics and other hazards; (d) for assisting in the prosecution and punishment of staff members and others who engage in theft, corruption or other fraudulent activities against the Organization and for recovery of assets; and (e) for the development of new modalities for cooperating with outside entities in achieving the objectives of the Organization.

6.12 Furthermore, legal services will be provided for matters related to the regulations, rules and other administrative issuances of the Organization and revisions to the personnel appraisal system. The General Legal Division will

represent the Secretary-General before the Administrative Tribunal and represent the Organization before other judicial and arbitral bodies.

Subprogramme 3
Progressive development and codification of international law

Objective of the Organization: To enhance the progressive development and codification of international law.

Expected accomplishments of the Secretariat	Indicators of achievement
(a) Progress in the formulation of legal instruments	(a) (i) The level of progress achieved on instruments under preparation
	(ii) The satisfaction of users of publications and of other electronically disseminated information
(b) Wider appreciation and understanding of international law	(b) (i) The satisfaction of participants with the quality of courses and seminars
	(ii) The satisfaction of end users with the quality of issued publications and information electronically disseminated

Strategy

6.13 Substantive responsibility for the implementation of this subprogramme is vested in the Codification Division. The types of activities to be undertaken will include research on topics of international law, compilation of background documents, preparation of draft reports of a substantive nature for the bodies concerned, legal advice and assistance in the conduct of proceedings and in the drafting of legal instruments, resolutions and decisions.

6.14 Substantive support will be provided to the Sixth Committee of the General Assembly in its consideration of the status of relevant instruments, measures aimed at enhancing the accession of States to those instruments or, as the case may be, use by States of the procedures envisaged by the relevant resolutions of the General Assembly. Substantive support will also be provided to special and ad hoc committees and working groups of the Sixth Committee, as well as to the International Law Commission.

6.15 The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law will be implemented through: (a) the preparation and issuance of legal publications, such as the *United Nations Juridical Yearbook*, the *Yearbook of the International Law Commission*, the *United Nations Legislative Series* and the *Reports of International Arbitral Awards*, proceedings of codification conferences, *Summaries of Judgments, Advisory Opinions* and *Orders of the International Court of Justice*, as well as ad hoc publications on public international law; (b) designing curriculums and organizing courses and seminars on various subjects of international law; (c) maintaining and expanding the United Nations audio-visual library in international law, which is

open to all States and their educational institutions and government agencies; and (d) continuous updating of the web sites of the Sixth Committee, the International Law Commission, and of the codification of international law, in conformity with existing mandates. Assistance in the form of fellowships, seminars and access to the United Nations legal publications will be provided, in particular, to developing countries.

Subprogramme 4
Law of the sea and ocean affairs

Objective of the Organization: To strengthen the rule of law for the oceans.

Expected accomplishments of the Secretariat	Indicators of achievement
(a) Increased capacity of Member States and intergovernmental organizations for uniform and consistent application of the Convention and the agreements	(a) (i) An increase in the number of States parties able to comply with their obligations under the Convention and agreements (ii) An increased participation of States in the United Nations Convention on the Law of the Sea and the related agreements
(b) Increased opportunities for States to derive benefits from the seas and oceans in conformity with the United Nations Convention on the Law of the Sea	(b) An increase in the number of submissions to the Commission on the Limits of the Continental Shelf
(c) Increased cooperation of intergovernmental organizations in the work of the United Nations Open-Ended Informal Consultative Process on Oceans and the Law of the Sea	(c) (i) An increase in the number of contributions made by intergovernmental organizations to the Secretary-General's annual report to the General Assembly on oceans and the law of the sea (ii) An increase in the number of intergovernmental organizations participating in the work of the United Nations Open-Ended Informal Consultative Process on Oceans and the Law of the Sea

Strategy

6.16 The subprogramme is implemented by the Division for Ocean Affairs and the Law of the Sea.

6.17 The Division will provide information, analysis and advice on the Convention on the Law of the Sea and the implementing agreements, their status and State practice relating thereto. Assistance will be provided to States and international organizations in the development of legal instruments in the field of the law of the sea and ocean affairs, in harmony with the provisions of the Convention.

6.18 Member States will also be assisted in developing and strengthening their capabilities, including institutional infrastructure, as well as human, technical and financial resources, for exercising their rights to the fullest degree and fulfilling their obligations in the most cost-effective manner.

6.19 The Division will provide assistance for the effective functioning of the institutions established under the Convention and service the meetings of the States parties. In particular, it will render both administrative and technical support to the Commission on the Limits of the Continental Shelf in their consideration of submissions by States for delineation of the outer limits of their continental shelf. The Division will also provide the necessary assistance to the International Tribunal for the Law of the Sea, the International Seabed Authority, and to States for settlement of disputes through other mechanisms contained in the Convention.

6.20 Member States will be assisted in identifying emerging aspects of marine affairs within the framework of the Convention and the programme of action. This assistance will entail analysing areas requiring action, organizing groups of experts for the purpose of formulating appropriate responses to emerging needs and servicing multilateral consultations and negotiations, so as to contribute to the progressive development and codification of international law.

6.21 The annual consideration, review and evaluation by the General Assembly of continuing developments related to the law of the sea and ocean affairs will be undertaken through the provision of information, analysis and reports and the servicing of the open-ended informal consultative process established by the Assembly to carry out oversight of ocean and law of the sea matters with an integrated and coordinated approach, and through the informal consultations held in the preparation of General Assembly resolutions. The Division of Ocean Affairs and the Law of the Sea will also continue to participate actively in the mechanisms of cooperation and coordination established by the High-Level Committee on Programmes (oceans) to replace the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination

Subprogramme 5
Progressive harmonization, modernization and unification of the law of international trade

Objective of the Organization: To ensure the progressive improvement, harmonization, understanding, knowledge and application of international trade law and coordination of the work of international organizations active in that field.

Expected accomplishments of the Secretariat	Indicators of achievement
(a) Modernization of trade practices and reduction of legal uncertainties and obstacles posed by inadequate and disparate laws	(a) (i) An increase in the number of legislative decisions (ratifications and national enactments) based on United Nations Commission on International Trade Law (UNCITRAL) texts (ii) An increase in the number of judicial decisions based on UNCITRAL texts

Expected accomplishments of the Secretariat	Indicators of achievement
(b) Increased understanding of international trade law issues and reliance on UNCITRAL standards	(b) (i) An increase in the number of publications referring to the work of UNCITRAL (ii) An increase in the number of mentions of UNCITRAL texts in legal databases (iii) An increase in the number of downloads from the UNCITRAL web site
(c) Improved coordination and cooperation among international organizations active in the field of international trade law	(c) An increase in the number of joint activities that incorporate reference to UNCITRAL trade law standards

Strategy

6.22 Substantive responsibility for the subprogramme is vested in the International Trade Law Division.

6.23 The United Nations Commission on International Trade Law, codification conferences and related intergovernmental working groups will be provided with substantive support. The services provided will include research on international trade law, preparing studies and policy papers, legal advice and assistance in the conduct of intergovernmental negotiations and in the drafting of decisions, amendments and proposals.

6.24 The International Trade Law Division will assist the Commission in drafting for Governments, modern and universally acceptable legislative and non-legislative texts (treaties, model laws, legislative guides and recommendations) in areas where the Commission determines that the modernization or harmonization of commercial law is desirable and feasible.

6.25 In view of the growing need for commercial law reform in the various areas in which the Commission has prepared harmonized standards, and the related increased demand for legislative technical assistance, in particular in developing countries and countries in transition, the Division will pay considerable attention to developing and carrying out programmes for legislative technical assistance and training. Such assistance will be based on requests from regional organizations and individual countries and will be provided in the form of briefings to officials, training and direct assistance in the drafting of instruments enacting uniform law texts, supported by commentaries, guides to enactment and information notes prepared by the Division. Professional associations and academic institutions, in particular in developing countries and countries with economies in transition, will be assisted in promoting modern business practices and the teaching of international trade law.

6.26 Cooperation will be undertaken with regional organizations to foster regional harmonization on the basis of universal texts of the Commission. The Division will provide models for use by intergovernmental organizations when they prepare legislative texts or assist their member States in modernizing trade legislation. Furthermore, the Division will draft models for use by international and national organizations when they prepare standard texts for use by their members. Attention

will also be given to issues arising from the increasing importance of electronic commerce in international trade.

6.27 Bearing in mind the fact that an increasing number of regional economic integration organizations and those for particular industrial sectors are formulating rules and standards for international trade, the Division will be required to monitor and analyse their work so as to assist the Commission, as the core legal body within the United Nations system in the field of international trade law, to carry out its mandate to coordinate legal activities in the area of international trade, in particular to avoid duplication of efforts and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law.

6.28 Users of texts originating from the work of the Commission will be provided with information on the judicial and arbitral application and interpretation of those texts. Such information will be made available in all the official languages of the United Nations in the form of abstracts of court decisions and arbitral awards. In addition, the Division will facilitate the use of uniform law by preparing and continuously updating a digest of case law interpreting the United Nations Convention on Contracts for the International Sale of Goods and the UNCITRAL Model Law on International Commercial Arbitration, as well as disseminating information on the legislative implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

Subprogramme 6
Custody, registration and publication of treaties

Objective of the Organization: To strengthen respect for international treaty obligations and the advancement of the international rule of law.

Expected accomplishments of the Secretariat	Indicators of achievement
(a) Improved access to international treaties deposited with the Secretary-General, including information on their status, and to treaties registered with the Secretariat	(a) (i) The timely processing, registration and publication of international treaties deposited with the Secretary-General (ii) Number of page views on the Treaty Section web site
(b) Broader State participation in the multilateral treaty framework	(b) The number of additional treaty actions submitted by parties
(c) Enhanced familiarity with and understanding by Member States of the technical and legal aspects of participating in the multilateral treaty framework and registering treaties with the Secretariat	(c) An increase in the number of treaty actions in the proper format
(d) Increased respect for the international treaty framework and the advancement of the international rule of law	(d) An increase in the percentage of users expressing satisfaction with the services provided by the Treaty Section, including electronic services

Strategy

6.29 Substantive responsibility for the implementation of the subprogramme is vested in the Treaty Section.

6.30 The Section will undertake the depositary functions of the Secretary-General for over 500 multilateral treaties and the registration and publication functions relating to over 50,000 treaties and a similar number of related actions; provide timely and accurate information relating to the treaties deposited with the Secretary-General and treaties and related actions registered with the Secretariat; provide assistance and advice to Member States, United Nations bodies and other entities on the technical aspects of treaty-making and on treaty law-related matters, including through the preparation of publications on treaty law and practice.

6.31 The Treaty Section will complete and further improve its computerization programme with respect to: (a) development of a comprehensive electronic database containing up-to-date depositary and registration information; (b) electronic dissemination of treaty and treaty law-related information from the database, including through online access; and (c) enhancement of the electronic database/work-flow system, including desktop publishing capabilities.

6.32 The Section will also promote wider participation in the multilateral treaty framework through regular treaty events and provide assistance to States with the technical and legal aspects of participation in treaties and the registration of treaties pursuant to Article 102 of the Charter of the United Nations.

Legislative mandates

Subprogramme 1
Overall direction, management and coordination of legal advice and services to the United Nations as a whole

General Assembly resolutions

13 (I)	Organization of the Secretariat

Subprogramme 2
General legal services provided to United Nations organs and programmes

General Assembly resolutions

351 (IV)	Establishment of a United Nations Administrative Tribunal
782 B (VIII)	Personnel policy of the United Nations: amendment to the Statute of the United Nations Administrative Tribunal
957 (X)	Procedure for review of United Nations Administrative Tribunal judgements: amendments to the Statute of the Administrative Tribunal
50/54	Review of the procedure provided for under article 11 of the Statute of the Administrative Tribunal of the United Nations
52/166	Amendment to article 13 of the Statute of the United Nations Administrative Tribunal

55/159	Review of the Statute of the United Nations Administrative Tribunal

Subprogramme 3
Progressive development and codification of international law

General Assembly resolutions and decisions

174 (II)	Establishment of an International Law Commission
487 (V)	Ways and means for making the evidence of customary international law more readily available
987 (X)	Publication of the documents of the International Law Commission
3006 (XXVII)	*United Nations Juridical Yearbook*
57/14	Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts
57/15	Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives
58/73	United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law
58/74	Convention on jurisdictional immunities of States and their property
58/77	Report of the International Law Commission on the work of its fifty-fifth session
58/79	International Criminal Court
58/80	Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions
58/81	Measures to eliminate international terrorism
58/82	Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel
58/248	Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
58/270	Questions relating to the proposed programme budget for the biennium 2004-2005
58/523	International convention against the reproductive cloning of human beings

Subprogramme 4
Law of the sea and ocean affairs

United Nations Convention on the Law of the Sea

Articles 16 (2), 47 (9), 75 (2), 76 (9), 84 (2), 287 (8), 298 (6), 312, 313 (1), 319 (1) and 319 (2); articles 2 (2), 2 (5) and 6 (3) of annex II; articles 2 and 3 (e) of annex V; article 4 (4) of annex VI; article 2 (1) of annex VII; and article 3 (e) of annex VIII

General Assembly resolutions

49/28	Law of the Sea
52/26	Oceans and the law of the sea
54/33	Results of the review by the Commission on Sustainable Development of the sectoral theme of "Oceans and seas": international coordination and cooperation

Annual resolutions adopted by the General Assembly on the item entitled "Oceans and the law of the sea"

Subprogramme 5
Progressive harmonization, modernization and unification of the law of international trade

General Assembly resolutions

2205 (XXI)	Establishment of the United Nations Commission on International Trade Law
58/75	Report of the United Nations Commission on International Trade Law on the work of its thirty-sixth session

Annual resolutions adopted by the General Assembly on the work of UNCITRAL

Subprogramme 6
Custody, registration and publication of treaties

Article 102 of the Charter of the United Nations

General Assembly resolutions

23 (I)	Registration of treaties and international agreements
24 (I)	Transfer of certain functions, activities and assets of the League of Nations
97 (I)	Registration and publication of treaties and international agreements: Regulations to give effect to Article 102 of the Charter of the United Nations
364 (IV)	Registration and publication of treaties and international agreements

482 (V)	Registration and publication of treaties and international agreements
33/141	Registration and publication of treaties and international agreements pursuant to Article 102 of the Charter of the United Nations
51/158	Electronic treaty database
54/28	United Nations Decade of International Law
55/2	United Nations Millennium Declaration
56/77	United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law